

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Thomas Cox, *et al.*, on their own behalf and on  
behalf of similarly situated others,

Plaintiffs,

-against-

Spirit Airlines, Inc.,

Defendant.

Civil Case No. 1:17-cv-05172-EK-VMS

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law in Support of Its Motion to Dismiss for Lack of Personal Jurisdiction as to Certain Absent Class Members and to Enforce Its Arbitration Rights as to Certain Absent Class Members, Declaration of Michelle Velasquez, and upon all other filings and proceedings in conjunction with this Motion, Defendant Spirit Airlines, Inc. moves this Court before the Honorable Eric R. Komitee, United States District Judge, 225 Cadman Plaza East, Brooklyn, New York, 11201, at a time to be determined by the Court, for (i) an order dismissing the claims of absent class members that do not arise out of or relate to Spirit's conduct in New York for lack of personal jurisdiction under Federal Rule of Civil Procedure 12, and (ii) an order staying or compelling arbitration of the claims of, or in the alternative modifying the class definition to exclude, the members of the certified class who booked on or after September 17, 2014 through Expedia, March 4, 2016 through CheapTickets, and November 9, 2016 through Travelocity pursuant to 9 U.S.C. §§ 3 or 4.

Dated: New York, New York  
February 21, 2023

By: /s/ Mark W. Robertson

Mark W. Robertson  
O'MELVENY & MYERS LLP  
Times Square Tower  
7 Times Square  
New York, NY 10036  
Telephone: (212) 326-2000  
Facsimile: (212) 326-2061  
E-mail: mrobertson@omm.com

Jason Zarrow (*admitted pro hac vice*)  
O'MELVENY & MYERS LLP  
400 S. Hope Street, 18th Floor  
Los Angeles, CA 90071  
Telephone: (212) 430-6000  
Facsimile: (202) 383-5414  
E-mail: jzarrow@omm.com

M. Tristan Morales (*admitted pro hac vice*)  
O'MELVENY & MYERS LLP  
1625 I Street, NW  
Washington, DC 20006  
Telephone: (202) 383-5300  
Facsimile: (202) 383-5414  
E-mail: tmorales@omm.com

*Attorneys for Defendant Spirit Airlines, Inc.*